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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,192

04/21/2005

Walter Link

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22428 7590 12/26/2008  
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EXAMINER

ABRAHAM, TANIA

ART UNIT

PAPER NUMBER

3636

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/532,192	<b>Applicant(s)</b> LINK, WALTER	
	<b>Examiner</b> Tania Abraham	<b>Art Unit</b> 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-25 and 32-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-19, 23-25 and 32-39 is/are rejected.
- 7) ☒ Claim(s) 20-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/09/2008</u>  | 6) <input type="checkbox"/> Other: _____                          |

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/9/2008 has been entered.

***Allowable Subject Matter***

Upon further consideration, the indicated allowability of claims 14-22 and 24 is withdrawn. Rejections under 35 U.S.C. 112 and based on the newly cited references Ehrbar (DE 3728872) and Downey (US 6010190) follow.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-18, 23, 25, 33-35 and 37-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, the function and purpose of the "control cam" and "feeler" has not been clearly set forth. The claim seems to be lacking the functional cooperative

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relationships between the cam-feeler configuration and the other elements of the device. Why does the feeler follow the control cam? What result is this interaction intended to produce? Clarification is required.

Claims 33-34 and 37-38 all recite the limitations "the feeler" and "the control cam". There is insufficient antecedent basis for these limitations in the claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 32, 24 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrbar (DE 3728872) in view of Downey (US 6010190). Re claims 19 and 24, with reference to figure 1, Ehrbar discloses a device for limiting the movement of a first vehicle seat, the first vehicle seat having a first upholstery element and a second upholstery element, the device comprising: a latch configured to be arranged within the first upholstery element, the latch (9-13) comprising a bolt moveable between an operative position and a retracted position, the bolt configured to extend out of the first upholstery element in the operative position and to retract into the first upholstery element in the retracted position; a counterpart (8) configured to be mounted near the first vehicle seat, the counterpart being engageable with the bolt in a releasably lockable manner; and a control device (16, 7) configured to be arranged in an area of a

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hinge (3), the control device being operatively coupled to the bolt by a force transmitting device (15); wherein when the counterpart (8) is engaged with the bolt, the counterpart is configured to act as a limit stop in one downward direction of rotation of the first upholstery element and as a releasable catch device in an opposite upward direction of rotation of the first upholstery element. Ehrbar fails to disclose the first upholstery element being rotatably mounted to the second upholstery element about a hinge, and wherein the counterpart is configured to be mounted to a second vehicle seat positioned in front of the first vehicle seat. However, with reference to figures 1-2, Downey teaches a first upholstery element can be rotatably mounted to a second upholstery element about a hinge, via mounting assembly (24); this allows the upholstery elements to be moved as a unit if desired. So it would have been obvious to a person of ordinary skill in the art at the time of invention to modify the device of Ehrbar with a mounting assembly rotationally connecting the upholstery elements, according to Downey's teaching, in order to enable both upholstery elements to be adjusted as a unit. And Ehrbar teaches the counterpart is mounted forward of the vehicle to lock vehicle seat in a folded state; so it would have been obvious to mount the counterpart to a vehicle seat forward of the first upholstery element in order to lock the seat folded without having to move the second upholstery element.

Re claims 32 and 36, the seat of Ehrbar as modified by Downey would have the control device (16, 7) comprise a mechanical guide that allows the position of the bolt relative to the first upholstery element to change based on an angular adjustment of the first upholstery element about the hinge (3).

***Allowable Subject Matter***

Claims 14-18, 23 and 25 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 33-35 and 37-39 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record did not show or suggest, either singly or combined, a folding seat comprising a movement locking device having a biased locking bolt, that extends out of and retracts into a back or bottom of the seat, which engages a notched block adjacent the folding seat, and a cable for moving the locking bolt; wherein the cable is connected between the locking bolt and an actuating follower bolt that moves along the surface of control cam to withdraw and extend the locking bolt; and wherein the notched block comprises projections configured to keep the extended biased bolt in place in the seat's folded position and release the biased bolt for placing the seat in its unfolded position.

### ***Response to Arguments***

Applicant's arguments with respect to claims 14-25 and 32-39 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania Abraham whose telephone number is 571-272-2635. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. A./  
Examiner, Art Unit 3636  
December 22, 2008

/DAVID DUNN/  
Supervisory Patent Examiner, Art Unit 3636